

it, goes not to the General Assembly but goes to any person in office or anybody or any person, and provides the old provisions providing that the laws should not be suspended except by act of the General Assembly.

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: What I am suggesting is that in order to suspend effectively any statutes during an emergency, the General Assembly, prior to such emergency, would be required to pass legislation saying that under certain circumstances and for a designated period of time the laws shall be suspended, but shall not be suspended any longer or in any other period.

What I am saying is that since the matter you raise now is a question of statutory jurisdiction, that can be handled by the General Assembly itself. But you need a constitutional justification for suspending constitutional provisions, and that is why this particular amendment should be adopted.

DELEGATE JAMES (presiding): Delegate Pullen.

DELEGATE PULLEN: A point of inquiry.

DELEGATE JAMES (presiding): Does Delegate Gallagher yield?

DELEGATE GALLAGHER: Yes.

DELEGATE PULLEN: As a layman I am curious, not necessarily opposed. What is the difference between this and martial law?

DELEGATE GALLAGHER: As I understand it, martial law is first of all a condition recognized by the chief executive who declares that certain area is under and subject to martial law, and at that time the military moves in with considerable jurisdiction.

This particular provision merely provides for the orderly continuation of holders of public office and operation of government during emergencies. It requires a prior act of the General Assembly in order to suspend the constitutional provisions which would otherwise be operative. For example, the question of who shall be governor is already handled by the Constitution, insofar as succession to the governorship is concerned. Suppose, however, as a result of the catastrophe that all persons named in the line of succession were killed,

that it would be impossible for the other machinery to operate to select the governor.

A General Assembly could say under those circumstances that the survivors of the General Assembly, even though a quorum were not present, could elect the governor, if the General Assembly could agree among itself as to which of those worthy gentlemen ought to be governor.

DELEGATE JAMES (presiding): Your time has expired.

It is statutory civil law; civil martial law, I guess you would call it.

Is there any further discussion?

Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: Mr. President, I am going to address this question to Delegate Gallagher, and maybe the Chairman of Style and Drafting could answer the question.

DELEGATE JAMES (presiding): Delegate Gallagher's time is completed.

DELEGATE L. TAYLOR: In the Style and Drafting section, Continuity of Government During Emergencies, in line 27 it says "only to the extent necessary to preserve continuity of state and local public office." In the amendment submitted by Delegate Gallagher in line 13 it says "concerning continuity of state and local public offices."

It seems that the amendment by Delegate Gallagher has lost the meaning the Style and Drafting Committee had in trying to preserve continuity of state and local public offices. In other words, Style and Drafting's amendment seems to have a positive effect, whereas the effect of Delegate Gallagher's amendment concerning continuity of offices is negative.

DELEGATE JAMES (presiding): Is the question addressed to Delegate Penniman?

DELEGATE L. TAYLOR: Yes.

DELEGATE PENNIMAN: Delegate Taylor, I think that we are all agreed now at this point that the intent of the Committee on General Provisions and the intent of the Committee on Style and Drafting has been best stated by the more recent amendment coming from Delegate Gallagher and Delegate Sollins.

They pin down, it seems to me, more precisely in those last five lines, the intention of the Committee on General Provisions,